

**AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DRINKING WATER AND GROUNDWATER PROTECTION DIVISION
ONE NATIONAL LIFE DRIVE - MAIN 2
MONTPELIER, VERMONT 05620-3521**

**DRAFT INDIRECT
DISCHARGE PERMIT AMENDMENT**

File Code: MIS-9-0288

Permit No.: ID-9-0288-1

PIN: EJ93-0011

SECTION A - "ADMINISTRATION"

In compliance with provisions of 10 V.S.A. §1263, and in accordance with the following conditions, the permittee:

Franklin Foods, Inc.
P.O. Box 486
Enosburg Falls, VT 05450

is authorized to discharge non-sewage dairy processing wastewater from the Franklin Foods, Inc., cheese production facility located in Enosburg Falls, Vermont, to manure pits located in Berkshire, Enosburg, Franklin, and Sheldon, Vermont, and to an anaerobic digester located in Enosburg, Vermont. The wastewater/manure mixture is to be managed in accordance with Accepted Agricultural Practices. **This amendment authorizes the disposal of dissolved air flotation waste to an anaerobic digester located in Franklin, Vermont.**

A1. Permit Summary:

Expiration Date	March 31, 2021
Types of Waste	Waste cheese and rinsewater from cheese production
Disposal System	Dissolved Air Flotation (DAF) wastewater Discharge of wastewater into manure pits and digesters followed by management of the wastewater/manure mixture in accordance with Accepted Agricultural Practices
Disposal Volume [to Pits] [to Digesters]	266,174 gallons per year (maximum) 16,000 gallons per week (maximum)
Towns	Berkshire, Enosburg, Franklin and Sheldon
Total Manure Pit Capacity Available for Disposal (=10% of Total Manure Pit Volume Available)	291,946 gallons per year
Total Digester Capacity	832,000 gallons per year

A2. Compliance Schedule:

The following schedule summarizes the actions and requirements necessary for compliance with the conditions of this permit. The permittee shall complete the requirements in accordance with the dates indicated. See the designated section for specific details.

<u>Condition # & Description</u>	<u>Schedule Date</u>
A3. Apply for renewal of Indirect Discharge Permit	December 31, 2020
D1. Wastewater disposal monitoring and reporting	As Specified
D2. Submit report to the Secretary	Monthly
D3. Maintain Daily Journal	As Specified
D4. Other monitoring/testing required	As Specified

A3. Expiration Date:

This permit, unless revoked or amended shall be valid until March 31, 2021, despite any intervening change in Water Quality Standards or the Vermont Guidelines for Land Application of Dairy Processing Wastes. Renewal of this Indirect Discharge Permit will be subject to all rules applicable at the time of application for renewal, including biological standards to determine significant alteration of aquatic biota.

The permittee shall apply for an Indirect Discharge Permit renewal by December 31, 2020. For the purposes of Title 3, an application for renewal of this indirect discharge permit will be considered timely if a complete application is received by the expiration date.

A4. Effective Date:

This permit amendment becomes effective on the date of signing.

A5. Revocation:

The Secretary may revoke this permit in accordance with 10 V.S.A. §1267.

A6. Transfer of Permit:

This permit is not transferable without prior written approval of the Secretary. The permittee shall notify the Secretary immediately, in writing, before any sale, lease or other transfer of ownership of the property from which the permitted discharge originates. The proposed transferee shall make application for a permit to be reissued in their name. Failure to apply shall be considered a violation of this permit. Responsibility for compliance with the conditions of this permit shall be the burden of the permittee until such time as transfer of the permit to the transferee is complete. All application and operating fees must be paid in full prior to transfer of this permit. This permit shall be transferred only upon showing by the permittee or proposed transferee of compliance with the following conditions:

- a. The transferee shall be a legal entity, financially and technically competent to operate, inspect, maintain and replace the system.
- b. The transferee shall demonstrate that they have the legal authority to raise revenues for the proper operation, inspection, and maintenance of the system.
- c. The transferee shall provide a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees to the Secretary.

A7. Minor Modifications of Permits:

The Secretary may modify this permit without requiring a permit application, a public notice, or a public hearing to correct typographical errors or increase the frequency of monitoring or reporting in accordance with Condition D(4) of this permit.

A8. Indirect Discharge Rules:

This indirect discharge was reviewed and qualified for an Indirect Discharge Permit in accordance with the Vermont Water Quality Standards; Section 14-607 of the Indirect Discharge Rules, Specific Permitting Criteria for Indirect Discharges of Non-Sewage Wastes; and the Vermont Guidelines for Land Application of Dairy Processing Wastes.

A9. Right of the Agency to Inspect:

The permittee shall make arrangements to ensure that the Secretary or the Secretary's authorized representative upon the presentation of their credentials and at reasonable times, may enter upon any fields, or inspect any manure pits or anaerobic digesters being used as disposal sites.

A9. Right of Agency to Inspect (continued):

The permittee shall allow the Secretary or the Secretary's authorized representative upon the presentation of their credentials and at reasonable times:

- a. To enter upon permittee's premises in which any effluent source, treatment or disposal system is located or in which any records are required to be kept under the conditions of the permit;
- b. To have access to and copy any records required to be kept under conditions of this permit;
- c. To inspect any monitoring equipment or method required in this permit;
- d. To sample any discharge of waste, groundwater or surface water; and
- e. To inspect any collection, treatment, pollution management and disposal facilities required by this permit.

A10. Permit Availability:

A copy of this permit shall remain at the office of the permittee and, upon request, shall be made available for inspection by the Secretary.

A11. Modifications and Additions to System:

The permittee may add manure pits to be utilized in the program by using the following procedures:

- a. The permittee shall submit an application for an administrative amendment of the permit to update the listing of manure pits in Attachment A.
- b. Manure slurry pits may be added to the program upon submittal of a written agreement executed between the permittee and the farmer. The agreement must state the location and volume of the farmer's manure pit, state that the farmer agrees to manage the wastewater/manure mixture in accordance with the Accepted Agricultural Practices, and be signed and dated by both parties.
- c. A farmer-signed release form allowing the Agency (or the Agency of Agriculture, Foods and Markets) to request information from the US Department of Agriculture, Natural Resource Conservation Service should also be submitted for each manure pit.
- d. If an agreement between the farmer and Franklin Foods, Inc., is terminated, the permittee shall inform the Secretary of this fact in writing within 14 days of the termination.

A12. Operating Fees:

This indirect discharge is subject to operating fees. The permittee shall submit the operating fees in accordance with procedures provided by the Secretary.

SECTION B - "INDIRECT DISCHARGE"B1. Nature of Indirect Discharge:

The wastewater authorized for disposal by this permit is waste cheese and rinsewater from the production of cheese, and dissolved air flotation wastewater from the pretreatment of process wastewater, both waste streams generated at the Franklin Foods, Inc., manufacturing facility located in Enosburg Falls, Vermont.

Based on analytical data for samples of the waste cheese and rinsewater (minimum n = 20) submitted by the permittee, the waste cheese and rinsewater is expected to have the following approximate concentrations:

<u>Parameter</u>	<u>Range of Concentration (mg/L)</u>
Biochemical Oxygen Demand	300 - 85,000
Nitrite Nitrate Nitrogen	0.6 - 33.3
Total Kjeldahl Nitrogen	71 - 2,400
Ammonia	0.2 - 200
Total Phosphorus	40 - 380
Total Dissolved Phosphorus	0.8 - 430
Sodium	42 - 820
Chloride	200 - 1,500
Total Dissolved Solids	26 - 15,400
pH	3.64 - 4.49 S.U.

These are not permit limits and exceedences of these values may occur.

The wastewater will be collected and stored at the facility in a 6,000 gallon stainless steel tank at the manufacturing facility and hauled to the manure pits by a private hauler.

The farmer's manure pits authorized for disposal of the waste cheese and rinsewater is listed in Attachment A.

The wastewater/manure mixture shall be managed in accordance with the Vermont Department of Agriculture Accepted Agricultural Practices.

B1. Nature of Indirect Discharge (continued):

Based on analytical data for samples submitted by the permittee, the dissolved air flotation (DAF) wastewater is expected to have the following approximate concentrations:

<u>Parameter</u>	<u>Range of Concentration (mg/L)</u>
Biochemical Oxygen Demand	12,000 - 188,000
Nitrite Nitrate Nitrogen	0.4 - 58
Total Kjeldahl Nitrogen	53 - 3,461
Ammonia	8.4 - 190
Total Phosphorus	9.8 - 2,395
Total Dissolved Phosphorus	0.3 - 740
Sodium	9.8 - 1,700
Chloride	82 - 1,800
Total Dissolved Solids	8 - 12,200
pH	5.0 - 7.4 S.U.

These are not permit limits and exceedences of these values may occur.

The farm digesters utilized for disposal of the DAF wastewater are listed in Attachment A. The wastewater/manure mixture shall be managed in accordance with the Vermont Department of Agriculture Accepted Agricultural Practices.

B2. Chemicals Utilized:

The permittee has indicated that there are no chemicals utilized at the facility during production of cheese which may reasonably be expected to end up with the waste cheese/rinsewater discharge. Therefore, there are no chemicals which are authorized for disposal in the wastewater which is taken to manure pits.

For the DAF wastewater the following chemicals/products are utilized:

- WWT C40G (Polymer)
- Liquid Aluminum Sulfate
- Sulfuric Acid
- ECl No Phos Acid
- ECl 2X Chelated Caustic Cleaner

Prior to making any changes which may result in chemicals discharged to the manure pit or digester, the permittee shall submit a request for evaluation of the new chemicals to the Secretary. If the Secretary determines that the change in chemicals is a significant change, the permittee shall be required to apply for a permit amendment.

SECTION C - "SYSTEM OPERATION"C1. General:

The wastewater shall be handled at all times in a manner that will (1) not permit the surface runoff of wastewater to waters of the State and (2) not result in a violation of the Water Quality Standards.

C2. Limits on Disposal:

This permit authorizes the discharge of waste cheese and rinsewater to the manure slurry pit identified in Attachment A at an approximate yearly disposal volume of 266,174 gallons. The amount of wastewater discharged to any manure pit shall not exceed 10% of any pit's total volume in any calendar year. This volume is listed in Attachment A.

This permit authorizes the discharge of DAF wastewater to the Gervais and Riverview farm digesters at a maximum disposal rate of 16,000 gallons per week, combined. The annual limits are listed in Attachment A.

SECTION D - "MONITORING"D1. Monitoring Requirements:

Upon the effective date of this permit, the permittee shall sample and analyze the waste cheese/rinsewater and the DAF wastewater as follows:

<u>Parameter</u>	<u>Measurement Units</u>	<u>Sample Type</u>	<u>Sample Frequency</u>
Chemical Oxygen Demand (COD)	mg/L	grab	Quarterly
pH	S.U.	grab	Quarterly
Sodium (Na+)	mg/L	grab	Quarterly
Chloride (Cl-)	mg/L	grab	Quarterly
Total Solids (TS)	%	grab	Quarterly
Total Volatile Solids (TVS)	% of TS		
Total Phosphorus (TP)	mg/L	grab	Quarterly
Total Potassium	mg/L	grab	Quarterly
Total Kjeldahl Nitrogen (TKN)	mg/L	grab	Quarterly

D1. Monitoring Requirements (continued):

Quarterly means January - March, April - June, July - September and October - December. If any disposal of waste cheese/rinsewater and/or DAF wastewater occurs in the quarterly period, a sample is required to be collected and analyzed.

Samples shall be taken at the line which is used to fill the transport vehicle following agitation of the holding tank.

The results of the analyses shall be submitted to the Secretary by the 15th day of the second month following the date of sampling.

The laboratory utilized for analyzing the samples shall demonstrate successful performance for U.S. EPA check samples for all parameters and shall analyze any check samples provided by the Secretary. Failure to obtain an acceptable result for either the Secretary or EPA check samples may be a basis for requiring an alternate analytical laboratory.

D2. Monthly Disposal Report:

On a monthly basis, the permittee shall submit a written report to the Secretary listing the manure pits and digester utilized for disposal, the daily volume in gallons of wastewater discharged to each manure pit and digester and the date(s) on which the disposal occurred. The report shall be signed by an official of Franklin Foods, Inc., under the following statement:

“I certify under penalty of law that I have personally examined, and am familiar with, the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.”

The disposal of the DAF gallons delivered to the digesters shall be reported daily and the weekly volume (gallons delivered, Sunday – Saturday) also reported.

The reports shall be submitted by the 15th day of the month following the date of disposal.

D3. Daily Journal:

The permittee shall maintain a bound, daily journal at the Franklin Foods, Inc., facility in Enosburg Falls, Vermont for documenting the disposal of wastewater transported to the manure pits and/or digesters. The journal shall have printed, pre-numbered pages. For each load transported to a manure pit and/or digester, plant personnel shall enter in ink their name (signature), the date, the manure pit and/or digester utilized for disposal, the time at which the disposal occurred, and the volume disposed of. The facility personnel shall also record any accidental spillage or other incidents that may adversely affect the landowner, adjacent landowners, or other members of the public.

On a monthly basis, by the 15th of the month, the permittee shall scan daily entries in the journal for the previous month and submit the scanned document to the Secretary.

D4. Other Water Quality Monitoring:

No other water quality monitoring of the system is required under this permit. However, the Secretary reserves the right to require monitoring of the system in accordance with Condition A(7) should operation of the system fail to meet the requirements of Sections C(1) and C(2).

SECTION E - "COMPLIANCE REVIEW"

If the results of any monitoring or reporting indicate that there is a possibility that the Vermont Water Quality Standards may be violated, the Secretary may require monitoring of the ground and surface water. If continued monitoring and analysis indicates that a violation of the wastewater discharge rate, or a violation of the Vermont Water Quality Standards has occurred, is occurring, or is likely to occur, the Secretary may require the permittee to take appropriate corrective actions to eliminate or reduce the possibility of a violation. Such corrective actions may include elimination of farm manure pits from the program.

The issuance of this Indirect Discharge Permit Amendment, ID-9-0288-1, to Franklin Foods, Inc., by the Secretary relies upon the data, designs, judgement and other information supplied by the applicant, the applicant's consultants and other experts who have participated in the preparation of the application. The Secretary makes no assurance that this system will meet the performance objectives of the applicant and no warranties or guarantees are given or implied.

SECTION F - "EFFECTIVE DATE"

This Indirect Discharge Permit Amendment, ID-9-0288-1, issued to Franklin Foods, Inc., for the discharge of waste cheese and rinsewater and DAF wastewater to the manure pits and digesters listed in Attachment A is effective on this _____ day of August, 2016.

Alyssa B. Schuren, Commissioner
Department of Environmental Conservation

By _____ **DRAFT** _____
Bryan Redmond, Director
Drinking Water and Groundwater Protection Division

Franklin Foods, Inc.
 Authorized Manure Pits and Anaerobic Digesters for Disposal
 August, 2016

<u>Owner/Operator</u>	<u>Location</u>	<u>Town/Village</u>	<u>10% Pit Volume (gallons/year)</u>
Steve Longe	W. Berkshire Rd	Berkshire	25,772
Mark Choquette	Longe Road	Enosburg	48,514
Greg Abbott	Boston Post Rd	Enosburg	34,822
Terrance Magnan	E. Sheldon Rd	Enosburg	34,502
Ronald Paradis	State Park Road	Franklin	41,425
Andrew Brouillette	VT Rt 105	Sheldon	10,080
Pierre Parent	E. Sheldon Rd	Sheldon	22,000
Pierre Vaillancourt	VT Rt 105	Sheldon	74,831
TOTAL - MANURE PITS			291,946 gallons/year

<u>Owner/Operator</u>	<u>Location</u>	<u>Town</u>	<u>Disposal Volume (gallons)</u>
Gervais Farm Digester	6001 Boston Post Rd.	Enosburg	
Riverview Farm Digester	4420 Lake Road	Franklin	
TOTAL - DIGESTERS			832,000 gallons/year**

** Limited to 16,000 gallons per week, maximum, for both digesters